

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Insignia Systems, Inc.,

Civ. No. 19-1820 (MJD/BRT)

Plaintiff,

v.

News Corporation, News America  
Marketing FSI L.L.C., and News America  
Marketing In-Store Services L.L.C.,

**ORDER AMENDING FIRST  
AMENDED PRETRIAL SCHEDULING  
ORDER**

Defendants.

---

This Court's First Amended Pretrial Scheduling Order required the parties to file a joint letter no longer than three pages setting forth an agenda for the May 6, 2020 status conference and a brief report on the status of discovery. (Doc. No. 122.) In their May 1, 2020 Joint Letter, at Doc. No. 139, the parties presented a dispute about a provision included in the First Amended Scheduling Order, which stated, in part under the section labeled: **DEADLINES FOR OTHER FACT DISCOVERY**

- (b) The parties proposed that the Court enter an order regarding the date for the first production of documents responsive to negotiated search terms, but they disagreed on what that date should be. The Court hereby sets a **May 15, 2020** deadline for the production of documents responsive to agreed-upon search terms.

The parties seek clarification of that provision per their May 1, 2020 letter:

**Clarification on May 15, 2020 Production Deadline**

*Plaintiff's Position:* Insignia understands May 15 to be the deadline for the production of all documents hitting on already-agreed search terms, while Defendants argue that it is a deadline for only the first production. The parties briefed their differing interpretations in their IDR letter briefs

submitted on April 17 and April 22. While a hearing on the briefs is set for May 14, Insignia would appreciate a clarification on just the May 15 deadline as part of the May 6 conference, given the proximity of the May 14 hearing to the May 15 deadline. In the event that May 15 is indeed a deadline for only the first production, Insignia respectfully requests that the Court set a date by which the parties are to complete all production of documents hitting on the agreed-to search terms.

*Defendants' Position:* Defendants refer to and incorporate their IDR response letter, which was submitted on April 22, 2020. Defendants note that the First Amended Pretrial Scheduling Order specifically referenced a “first production of documents responsive to negotiated search terms.” (See Order dated April 7, 2020, pp. 3, 6 (Doc. No. 122).) Insignia’s interpretation views the last sentence in isolation, separate from the context provided by the preceding sentences. Further, May 15 as the deadline for the first production makes sense because the parties need to conduct a privilege review. For Defendants, 1.6 million documents hit on the agreed search terms and custodians; Defendants need to screen those documents for privilege. Upon the completion of their privilege review, Defendants will produce any non-privileged documents. Although Insignia argues that the May 15 deadline is “for the production of *all documents* hitting on already-agreed search terms,” Insignia would not represent that its production on May 15 would capture “*all documents from all relevant data sources*,” thereby acknowledging that additional document productions are contemplated after May 15.

The Court hereby amends the First Amended Pretrial Scheduling Order as to the disputed provision as follows:

#### **DEADLINES FOR OTHER FACT DISCOVERY**

- (b) The parties proposed that the Court enter an order regarding the date for the first production of documents responsive to negotiated search terms, but they disagreed on what that date should be. The Court hereby sets a **May 15, 2020** deadline for the first production of documents responsive to agreed-upon search terms.

The parties must meet and confer to attempt to agree on the schedule for the completion of the production of documents responsive to the agreed-upon search terms in advance of this Court’s **May 6, 2020** Status Call.

To the extent they do not conflict with Order, all other applicable deadlines and requirements set forth in the Court's Pretrial Scheduling Orders (Doc. Nos. 36, 122) remain in full force and effect.

Date: May 4, 2020

*s/ Becky R. Thorson*

---

BECKY R. THORSON

United States Magistrate Judge